

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

XAVIER B. ORTIZ

v.

MICHAEL NUTTER; LOUIS GIORLA;  
MAJOR ABELLO; C/O HERRERA;  
SERGANT RYAN; and M. FARRELL.

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CIVIL ACTION

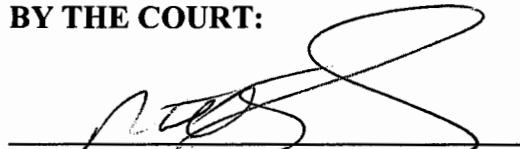
NO. 15-4689

ORDER

AND NOW, this 14th day of October, 2016, upon consideration of Defendants' motion to dismiss (Doc. No. 7) and Plaintiff's response (Doc. No. 11), and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED**:

1. Defendants' motion to dismiss is **GRANTED in part and DENIED in part**. As explained in the Opinion, Defendants' motion to dismiss is **DENIED** as to the "burning" claim. Plaintiff's "triple ceiling" and "inadequate medical care" claims are **DISMISSED**.
2. Plaintiff is given leave to amend his complaint with respect to the "triple ceiling" and "inadequate medical care" claims to cure the deficiencies outlined in the Opinion. Plaintiff shall file an amended complaint **by or before November 21, 2016.**
3. Upon the filing of an amendment, the Clerk of Court shall not make service until so **ORDERED**.

BY THE COURT:

  
MITCHELL S. GOLDBERG  
United States District Judge